Government of Saskatchewan

Annual Report 2002 - 2003

Saskatchewan
Justice

Public Disclosure
Committee

103-05469/

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LETTER OF TRANSMITTAL

Her Honour the Honourable Linda Haverstock
Lieutenant Governor of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan
S4P 3V7

Dear Madam:

The undersigned, pursuant to section 12 of *The Public Disclosure Act* is pleased to present the Public Disclosure Committee Annual Report for the period of April 1, 2002 to March 31, 2003 which was submitted to me by the Public Disclosure Committee.

Eric Cline, Q.C.
Minister of Justice and Attorney General

PUBLIC DISCLOSURE COMMITTEE

PUBLIC DISCLOSURE COMMITTEE STAFF

Richard J. Peach
Janis Bohlken

The Committee maintains an office at:

6th Floor, 1874 Scarth Street
Regina, Saskatchewan S4P 3V7
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ROLE OF THE COMMITTEE

The public has concerns about high-risk offenders who have been released into communities after serving some or their entire sentence. One response to these concerns is to raise public awareness about a particular individual by providing information about the offender to affected individuals or communities.

The Public Disclosure Act was developed to assist the police in dealing with this important issue. The legislation was proclaimed in force November 15, 1996 and created a committee to provide non-binding advice to the police about persons who may pose a danger to the community.

On November 15, 1996 a nine-member committee was appointed to serve pursuant to the Act. Committee members represent a broad spectrum of the community. They include members of the clergy, senior police officers, psychologists, members of the legal profession, people who work with victims of crime and those who work with traditional First Nations healing approaches. They are drawn from various communities around the province.

Police may bring applications with respect to persons who have been convicted of one of the offences prescribed in section 3 of the Regulations and who pose a risk of serious harm to persons in a community in Saskatchewan. The scheduled offences include sexual offences against children, sexual assaults, other sexual offences like bestiality and indecent acts, procuring children into prostitution, and serious personal injury offences like robbery, aggravated assault, kidnapping and trafficking in controlled drugs and substances.

The Committee can only recommend disclosure when the individual poses a significant risk of serious harm to other persons, the disclosure will assist in avoiding the risk posed by the individual, and the public interest in the disclosure outweighs the privacy interests of the individual. If the release of information is recommended, the committee will also recommend what information should be released, how it should be released, and to whom.

Decisions of the Committee are carefully considered and are based on review of information prescribed by the Act. This information includes such things as risk assessments, criminal records, likely destinations for the individual, descriptions of the offences the individual has committed in the past, and reasons the individual is believed to pose a significant risk of harm to others.

Persons that are the subject of an application to the Public Disclosure Committee are advised in advance that an application has been made, and are afforded the opportunity to make submissions to the Committee in writing or on audio or video tape.

The advice given by the Committee does not bind the police agency making the request. However, police acting in compliance with the advice are accorded immunity from suit for their good faith actions in so doing.

COMMITTEE HEARINGS & ACTIVITIES

COMMITTEE SERVICES

The services provided by the committee within the scope of *The Public Disclosure Act* for the 12-month period ending March 31, 2003 are:

Applications Received	Disclosure Advised	Disclosure Not Advised
4	4	0

MEETINGS

Pursuant to section 5 of *The Public Disclosure Regulations*, the Committee is required to schedule a minimum of one date per month for the hearing of applications. Additional expedited meetings are held when applications are brought of an urgent nature that cannot be held in abeyance until the regularly scheduled meetings.

From April 1, 2002 to March 31, 2003, the Committee held 1 regularly scheduled application hearing, 1 regularly scheduled meeting with training, 1 conference training session in Winnipeg and 3 expedited meetings.

In December 1996, the Committee held its inaugural meeting in Moose Jaw, Saskatchewan. Committee members participated in a training session on risk assessment provided by Correctional Services Canada. This session was followed by an orientation to the Act and the roles and responsibilities of the committee. Members were also advised of their express obligation of confidentiality.

There was also an explanation of the security issues this position presents. Given that the committee will be dealing with some of the potentially most dangerous persons in the province, certain precautions have been taken to protect committee members from harm. These include, but are not limited to, a specific request made by the Minister of Justice on announcing the legislation that the press not publish the identities or identifying information about committee members.

At the November and December, 1998 meetings of the committee, additional training in risk assessment and the recidivism of offenders was provided to committee members, to assist them in considering the applications brought before the Committee.

Providing Information to Police Services and the RCMP about the Committee

On November 15, 1996, Committee staff provided a package of information to all provincial police services and the RCMP. In January 1997, Committee members and staff provided a one-half day presentation to designated police representatives. The sessions were held in Regina and Saskatoon. The presentation was designed to acquaint representatives with how to prepare and file applications with the Committee. Representatives from the RCMP and the Municipal police services act as liaison between the committee and their organizations, guaranteeing that these agencies are well aware of the application process.

PROCESSING THE APPLICATIONS

Of the 4 applications received, three requested and were granted expedited consideration pursuant to subsection 15(1) of *The Public Disclosure Regulations*.

Offender Profiles

- All offenders that were the subject of applications were male.
- One offender was under the age of 25 at the time of the application.
- Three of the offenders were over the age of 35 at the time of the application.
- All four offenders were of First Nations origin.
- Three of the four offenders had been convicted of at least five scheduled sexual offences.
- Three of the four offenders had been assessed at a significant to high risk to sexually re-offend.
- One offender had been assessed at a moderate to manageable risk to sexually re-offend.
- The victims of three of the offenders were between the ages of 1 and ½ years and adulthood.
- One victim was a mentally challenged adult.
- Three of the four offenders chose female victims.
- The victims of one offender were both male and female.
- Three of the four offenders had offended against five or more victims in the past.
- Two offenders were 18 when first convicted of a criminal offence.
- One offender was 23 when first convicted of a criminal offence.
- One offender was 12 when first convicted of a criminal offence.
- Two of the four offenders were required to serve all of their sentences before being released from jail.
- One offender was in the community at the time an application was made.

COMMITTEE BUDGET

The expenses of the Committee were absorbed into the budget of the Saskatchewan Police Commission. These expenses totalled $12,517.52 and supported the costs of Committee meetings, hearings and training for committee members. The Law Enforcement Services Branch of Saskatchewan Justice provided administrative support for the Committee.